

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
ARIFKHAN PATHAN,
Defendant.

Case No. CR21-010-RSL

ORDER GRANTING
UNOPPOSED MOTION TO
CONTINUE TRIAL AND
PRETRIAL MOTIONS DUE
DATE

This matter comes before the Court on defendant's "Fourth Unopposed Motion to Continue Trial and Pretrial Motions Deadline" (Dkt. # 32). Having considered the facts set forth in the motion, and defendant's knowing and voluntary waiver (Dkt. # 34), the Court finds as follows:

1. The Court adopts the facts set forth in the unopposed motion: in particular, that defendant and the government remain engaged in negotiations that may lead to a resolution of the case, and, if the parties are unable to reach a resolution, defendant requires additional time to coordinate travel of at least four witnesses from India. The Court accordingly finds that a failure to grant a continuance would deny counsel, and any potential future counsel, the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, within the meaning of 18 U.S.C. § 3161(h)(7)(B)(iv).

2. The Court finds that a failure to grant a continuance would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i).

**ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL - 1**

1 3. The Court finds that the additional time requested between October 17, 2022, and
2 the proposed trial date of March 13, 2023, is a reasonable period of delay. The Court finds that
3 this additional time is necessary to provide defense counsel reasonable time to prepare for trial,
4 as defendant has requested more time to prepare for trial, to continue to investigate the matter, to
5 gather evidence material to the defense, and to consider possible defenses. The additional time
6 requested between the current trial date and the new trial date is necessary to provide counsel for
7 the defendant the reasonable time necessary to prepare for trial, considering all of the facts set
8 forth above.

9 4. The Court further finds that this continuance would serve the ends of justice, and
10 that these factors outweigh the best interests of the public and defendant in a speedier trial,
11 within the meaning of 18 U.S.C. § 3161(h)(7)(A).

12 5. Defendant has signed a waiver indicating that he has been advised of his right to a
13 speedy trial and that, after consulting with counsel, he has knowingly and voluntarily waived
14 that right and consented to the continuation of his trial to a date up to and including April 3,
15 2023, Dkt. # 34, which will permit his trial to start on March 13, 2023.

16 IT IS HEREBY ORDERED that the trial date shall be continued from October 17,
17 2022 to March 13, 2023, and pretrial motions are to be filed no later than February 10, 2023;

18 IT IS FURTHER ORDERED that the period of time from the current trial date of
19 October 17, 2022, up to and including the new trial date, shall be excludable time pursuant to the
20 Speedy Trial Act, 18 U.S.C. § 3161, *et seq.* The period of delay attributable to this filing and
21 granting of this motion is excluded for speedy trial purposes pursuant to 18 U.S.C.
22 §§ 3161(h)(1)(D), (h)(7)(A), and (h)(7)(B).

23 DATED this 6th day of October, 2022.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge

ORDER GRANTING UNOPPOSED
MOTION TO CONTINUE TRIAL - 2